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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,221	07/27/2001	Michel Herbreteau	P07318US00/DEJ	6827

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EXAMINER

ELKASSABGI, HEBA

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,221

Applicant(s)

HERBRETEAU, MICHEL

Examiner

Heba Elkassabgi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motor, stator, and rotor of Claim#1 and the element of Claims #9 and #10 must be shown or the feature(s) canceled from the claim(s). The claimed matter of a stator located outside the working chamber, must be shown or the feature(s) canceled from the claim(s). The propeller resting directly on the supports is not shown as in Claims #6, #8, and #11 must be shown or the feature(s) canceled from the claim(s).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "28" and " 38" and "44" have both been used to designate "upper surface" and reference characters "31" and " 35" have both been used to designate "arrows" and reference characters "16" and "41" have both been used to designate "lower wall" and reference characters "34" and "42" have both been used to designate "upper wall" and reference characters "46" and "37" have both been used to designate "lower surface".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS.
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Oldenburg (DE 945183).

Oldenburg illustrates in Figures #1 and 2 a working chamber (AA) in which an enclosure (BB) having a stator (CC) that is located outside of the working chamber (AA) and a rotor (DD) that is rotated by a magnetic field that is part of the propeller (PP). In which the rotor (DD) having at least one permanent magnet (PM). The propeller (PP) is located within the working chamber (AA) and rotates about a geometrical axis, which is rotated by the magnetic field to move air within the working chamber (AA). In addition the stator (CC) is able to produce a magnetic field, and the propeller (PP) having blades (PB) in which the blades have an upper surface (US) that have an incline partially with respect to the rotation of axis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oldenburg (DE 945183) and further in view of Cox (U.S. Patent 4885488).

Oldenburg illustrates in Figures #1 and 2 a working chamber (AA) in which an enclosure (BB) having a stator (CC) that is located outside of the working chamber (AA) and a rotor (DD) that is rotated by a magnetic field that is part of the propeller (PP). The propeller (PP) is located within the working chamber (AA) and rotates about a geometrical axis, which is rotated by the magnetic field to move air within the working chamber (AA). The propeller (PP) having blades (PB) in which the blades have an upper surface (US) that have an incline partially with respect to the rotation of axis. However, Oldenburg does not indicate a support surface with the fan resting onto.

Cox discloses in Figure 2 a fan (1) is supported onto a printed wiring board (support surface) (16), and that the printed wiring board is located within the housing.

The purpose of the fan being mounted onto the printed wiring board is so that the fan is powered via the circuitry.

It would have been obvious to one of ordinary skill in the art to combine the fan structure of Oldenburg with that of Cox in order to provide power to the fan.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldenburg (DE 945183) and further in view of Clark (U.S. Patent 09916221).

Oldenburg illustrates in Figures #1 and 2 a working chamber (AA) in which an enclosure (BB) having a stator (CC) that is located outside of the working chamber (AA) and a rotor (DD) that is rotated by a magnetic field that is part of the propeller (PP). The propeller (PP) is located within the working chamber (AA) and rotates about a geometrical axis, which is rotated by the magnetic field to move air within the working chamber (AA). The propeller (PP) having blades (PB) in which the blades have an upper surface (US) that have an incline partially with respect to the rotation of axis. However, does not disclose a heat exchange means.

Clark discloses in paragraph 3 under "Summary of the invention", a housing having a heat exchange unit to change the temperature of the air in the housing. In which the heat exchange unit is preferably a heater to heat the atmosphere, in order to achieve heat transfer in the ventilating.

***Allowable Subject Matter***

Claims 3,5,6,7, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response to Arguments**

Applicant's arguments with respect to claim 11/14/2002 have been considered but are moot in view of the new ground(s) of rejection.

However, in regards to applicant's arguments on Page 2 paragraph 2 to Section 2 of the drawings. The objection of the drawings as stated above the different elements having the same descriptive name is necessitated in order for the claimed elements to be distinguished in the claims.

In response to the drawing objections of page 3 full paragraph 2 in that every feature that is claimed must be shown in the drawings and must be stated in the specification. The numeral "11" is designated as the propeller not the stator and the numeral "12" is designated as the means not the rotor.



In response to arguments on page 4 paragraph 3 of section 5 the examiner disagrees that the present specification includes that most of the noted sections include headings this is not so. The examiner strongly suggests that the applicant follow the suggested layout for the specifications especially in adding headings to distinguish each section of the specification.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-2723. The examiner can normally be reached on M-Th (6:30-3:30), and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Heba Y. Elkassabgi  
January 31, 2003

  
NESTOR RAMIREZ  
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